

PATENTS
102090-0001P1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

11

In Re The Application of:
Paul Andrew Cronk

Serial No.: 09/548,862

Filed: April 13, 2000

For: ADJUSTABLE REFLECTOR
DEVICE

Examiner: Ton, A

Art Unit: 2875

RECEIVED
JUL 31 2002
OFFICE OF PETITIONS

Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
July 30, 2002

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

12/30/2002 AKELLEY 00000009 031237 09548862
01 FC:2453 640.00 CH

PETITION TO REVIVE

(37 CFR 1.137 (b))

The applicant hereby petitions to revive the above application on the grounds that it was abandoned unintentionally. The petition fee for small entity (\$640) should be charged to our Deposit Account 03-1237.

An Official Action issued on May 8, 2001. The undersigned filed a complete response thereto (with a one month extension request) on September 4, 2001. That response identified the undersigned's current address and included certain voluntary amendments to the specification which did not comply with Rule 121.

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On September 17, 2001, the Examiner issued a Notice that the response was not in compliance because the specification amendments did not satisfy to Rule 121, which response was mailed to the undersigned's old address.

However, the undersigned never received that notice until it was faxed to him on or about July 9, 2002.

On July 10, 2002, the enclosed Letter was faxed to the Examiner pointing out that the amendment filed on September 4, 2001 was completely responsive to the May 8, 2001 Official Action which only addressed the original claims 1 to 11. In other words, applicant responded completely to that action by canceling claims 1 to 11 and adding new claims 12 to 23 with a supporting argument.

In response to that Letter, we were informed by the Examiner via a phone message that this petition would be required. Hence we are filing same under some protest because the Examiner should have simply refused to enter the voluntary amendments to the specification and examined the new claims filed in response to the May 8, 2001 action on the merits.

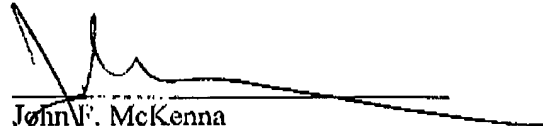
The claims 12-23 and argument filed on September 4, 2001 coupled with the Substitute Specification filed on July 10, 2002 constitute complete responses to the May 8, 2001 action and September 17, 2001 Advisory Action.

The undersigned hereby states that the entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition was completely unintentional.

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Please charge any additional fee occasioned by this paper to our Deposit Account No.
03-1237.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John F. McKenna', is written over a horizontal line.

John F. McKenna
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FACSIMILE COVER SHEET

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TO:	Anabel Ton
FIRM:	United States Patent and Trademark Office
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FROM:	John F. McKenna
COMMENTS:	

SPECIAL INSTRUCTIONS:

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